

## **INVITATION TO BID**

OWNER: City of Asheville

NAME OF PROJECT: **CLINGMAN AVENUE/HAYWOOD ROAD STREETScape**

LOCATION: **Clingman Avenue, from Hilliard Avenue to the Riverlink Bridge.**

Pursuant to N. C. Gen. Stat. sec. 143-129, sealed bids will be received by the City of Asheville, Post Office Box 7148, Asheville, North Carolina, 28802, in the office of **John Gavin (828-232-4580)** on the **Mezzanine** floor of the **City of Asheville** Building, Asheville, North Carolina, up to **10:00 AM, December 2nd, 2009**, and shall be immediately opened publicly and read aloud **on the 1st floor of the Public Works Building, in Conference Room A109**, 161 S. Charlotte Street, Asheville, North Carolina for the project described as follows

**Milling of the existing pavement, repair of any areas of base failure, construction of storm drainage infrastructure, curb and gutter, streetscape, roundabout and placement of asphalt surface course.**

Complete plans, specifications and contract documents may be examined at the following locations:

**City of Asheville, Engineering Dept.**

**70 Court Plaza, Mezzanine Level  
Asheville, NC 28801**

**Carolina's AGC**

**Executive Park  
Asheville, NC 28801**

**Civil Design Concepts, PA**

**200 Swannanoa River Road  
Asheville, NC 28805**

Copies of complete plans, specifications and contract documents may be obtained at the following locations:

**All contract documents and plans will be available for view or hard-copy reproduction on the City of Asheville website.**

**The City of Asheville will provide paper copies of plans and documents if it is not possible for the potential bidder to reproduce them from the electronic files provided on the website.**

A non-refundable fee of seventy five Dollars (**\$75.00**) in cash or certified check is required for receipt of the copies.

**The Federal Disadvantaged Business Enterprise (DBE) goals are hereby made a part of these contract documents.**

**The goals for participation by minority business firms as subcontractors on this project have been set by the Federal Disadvantaged Business Enterprise at 8.0%.**

Bidders are also notified that the City of Asheville is a drug-free workplace employer. The Asheville City Council has also adopted a policy requiring contractors entering into a construction contract with the City of Asheville to provide a drug-free workplace in the performance of any City of Asheville contract.

In order to be eligible to submit a bid or proposal for a City of Asheville construction contract, a prospective contractor must certify that it will, if awarded the contract, provide a drug-free workplace during the performance of the contract. This requirement is met by:

- a) Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and specify the actions that will be taken for violations of such prohibition;
- b) Establishing a drug-free awareness program to inform employees about (i) the dangers of drug abuse in the workplace, (ii) the Contractor's policy of maintaining a drug-free workplace, (iii) any available drug counseling, rehabilitation, and employee assistance programs, and (iv) the penalties that may be imposed upon employees for drug abuse violation;
- c) Notifying each employee that as a condition of employment, the employee will (i) abide by the terms of the prohibition outlined in 13.9.1 above, and (ii) notify the Contractor of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction;
- d) Notifying the Owner within ten (10) days after receiving from an employee a notice of a criminal drug statute conviction or after otherwise receiving actual notice of such conviction;
- e) Imposing a sanction on, or require the satisfactory participation in a drug counseling, rehabilitation or abuse program by, an employee convicted of drug crime; and
- f) Making a good faith effort to continue to maintain a drug-free workplace for employees.

By submitting a bid or proposal, a prospective contractor certifies that it will comply with the City of Asheville's drug-free workplace requirement. A false certification or the failure to comply with the above drug-free workplace requirements during the performance of the contract shall be grounds for suspension, termination, or debarment.

**A mandatory pre-bid conference will be held on November 19<sup>th</sup> at 2:00 PM on the 1st floor of the Public Works Building, in Conference Room A109, 161 S. Charlotte Street, Asheville, North Carolina.** The project, the Federal disadvantaged business enterprise goal (DBE) and the City's Drug-Free Workplace Policy will be explained.

All bidders must have current North Carolina Contractors licenses for all work for the project.

All bids must be submitted on the bid proposal and bid schedule provided herein. All bids must be enclosed in a **sealed** envelope and properly labeled.

Bid proposals shall include the cost of required Insurance, Bid, Performance and Payment Bonds and payment of any applicable Local, State and Federal taxes. The City Council of the City of Asheville has adopted a policy whereas the City of Asheville will not enter into contracts with bidders who are delinquent in the payment of ad valorem taxes owed to the City of Asheville.

Each bid shall be accompanied by a deposit of cash, a cashier's check or a certified check from a bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to, but not less than, five percent (5%) of the bid amount to the City of Asheville. In lieu of making a deposit as prescribed above, the bidder may file a **Bid Bond** executed by a corporate surety, licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will, upon demand, make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within ten (10) days after the award of bid or fails to give satisfactory surety as required in N. C. Gen. Stat. sec. 143-129.

The successful bidder will be required to furnish a **Performance Bond** and a **Payment Bond** in the amount of one hundred percent (100%) of the contract amount. Those bonds shall meet the requirements of N. C. Gen. Stat. sec. 143-129 and of Article 3 of Chapter 44A of the North Carolina General Statutes.

No bid may be withdrawn after bids have been opened, except as provided in N. C. Gen. Stat. sec. 143-129.1.

The City of Asheville reserves the right to reject any or all bids and to waive informalities.